

SUPREME COURT OF ARKANSAS

No.

IN RE: Rules Governing
Admission to the Bar of Arkansas

Opinion Delivered 10-9-08

PER CURIAM

On February 26, 2004, by per curiam order, we reinstated Admission on Motion as an alternative means of securing admission to the Bar of Arkansas. [Rule XVI of the *Rules Governing Admission to the Bar of Arkansas* (Rules).] Since that per curiam order, the Board of Law Examiners (Board) has faced a number of issues that naturally arise in connection with the adoption of any new procedure.

Most recently, the Board has been called upon to interpret Section 1.(d) of the Rule XVI, which is the “reciprocity” provision. The current rule requires that the applicant “has or had his or her principal place of business for the practice of law, for the two year period immediately preceding application under this rule” **in** a reciprocal jurisdiction. The dilemma with which the Board has wrestled is the instance where an applicant moves his or her permanent residence to the State of Arkansas and does not promptly file for admission on motion. A literal reading of the current language would seem to preclude that application. Particularly, some portion of the two year period “**immediately preceding application**” would have been **in** Arkansas, not a reciprocal jurisdiction. To resolve this uncertainty, the Board recommends that Section 1.(d) of Rule XVI be

amended as it appears on the attachment to this order. We concur.

In routine cases of admission on motion or reinstatement from suspension for non payment of fees, where the application raises no questions concerning the applicant' s eligibility, for administrative reasons the Board suggests that the Executive Secretary be authorized to certify such applicants to the Clerk. Presently, all such applications are referred to the Chair of the Board for “ certification” to the Clerk. Due to the increasing number of Admission on Motion applicants, this current procedure has become unnecessarily burdensome for the Board Chair and the Executive Secretary. Accordingly, the Board unanimously recommends that Rule IV of the Rules be amended to allow the Board to delegate such authority to the Executive Secretary. We acknowledge the administrative efficiency that such a modification will provide and therefore adopt Rule IV as it appears on the attachment to this order.

Finally, the current rules with the new language appearing in italics is attached as well.

Rule XVI – Admission on Motion

1.d. establish that the state, territory, or the District of Columbia in which the applicant has or had his or her principal place of business for the practice of law, for the two year period immediately preceding establishment of permanent residence in this State or filing application under this rule, would allow attorneys from this State a similar accommodation as set forth in this rule; however, applicants who have been on continuous active military duty for five of the seven years mentioned in (c) above may, in the discretion of the Board, be excused from the two year requirement of this rule;

Rule IV. Duties of the Board

The Board shall cause to be provided questions to be used on examinations, and shall furnish to each applicant a set of such questions, on the day of examination.

The Board shall cause to be graded the examination papers and as a Board ascertain the average grade of each applicant.

The names and addresses of applicants passing the examination as determined pursuant to Rule IX of these rules and who are otherwise eligible for admission in accord with Rule XIII of these rules; or, who are eligible for admission or reinstatement pursuant to Rule XVI or Rule VII of these rules; and who meet the requirements of Rule XIII of these rules, may be certified by the Executive Secretary to the Clerk of the Supreme Court, with a recommendation that they be licensed as attorneys-at-law.

New language is in italics.

Rule XVI – Admission on Motion

1.d. establish that the state, territory, or the District of Columbia in which the applicant has or had his or her principal place of business for the practice of law, for the two year period immediately preceding *establishment of permanent residence in this State or filing* application under this rule, would allow attorneys from this State a similar accommodation as set forth in this rule; however, applicants who have been on continuous active military duty for five of the seven years mentioned in (c) above may, in the discretion of the Board, be excused from the two year requirement of this rule;

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